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(for assignee)

In re Application of
Knoblock, R. T., et al.
Appl. No.: 09/995,193
Filing Date: November 27, 2001
U.S. Publication No.: US 2003/0004925 A1
Pub. Date: January 2, 2003
U.S. Patent No.: 6,952,705 B2
Issued Date: October 4, 2005

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OFFICE OF PETITIONS

Title: METHOD, SYSTEM AND PROGRAM PRODUCT THAT UTILIZE A
HIERARCHICAL CONCEPTUAL FRAMEWORK TO MODEL AN ENVIRONMENT
CONTAINING A COLLECTION OF ITEMS

This is in response to the "RENEWED PETITION FOR CONTROL OF ACCESS TO
APPLICATION BY ASSIGNEE IN ACCORDANCE WITH MPEP 106" which was received
on September 8, 2004, for the above-identified application.

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED as moot.**

DECISION

MPEP § 106 states:

The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. Sec 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes specific request to that effect. Any request to prevent the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(e), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906). Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect. (emphasis added)

37 C.F.R. 1.11(a) Files Open to the Public states:

(a) The specification, drawings, and all papers relating to the file of: A published application; a patent; or a statutory invention registration are open to inspection by the public, and copies may be obtained upon the payment of the fee set forth in § 1.19 (b)(2). If an application was published in redacted form pursuant to § 1.217, the complete file wrapper and contents of the patent application will not be available if: The requirements of paragraphs (d)(1), (d)(2), and (d)(3) of § 1.217 have been met in the application; and the application is still pending. (emphasis added)

Therefore, since the application has already published as U.S. Publication No.: US 2003/0004925A1 on January 2, 2003 and issued as US Patent No. 6952705 B2 on October 4, 2005 the request is deemed moot.

CONCLUSION

1. The petition is **DISMISSED as moot.**
2. Any further communication as to the merits of the case should be directed to the examiner of record.
3. Inquiries relating to this matter may be directed to Joseph F. Weiss, Jr. at (571) 272-7759.



HIRAM H. BERNSTEIN
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy